

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42071

OTTER TAIL POWER COMPANY
v.
THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY

Decided: December 12, 2003

By a motion filed on December 10, 2003, The Burlington Northern and Santa Fe Railway Company (BNSF) seeks a 14-day extension of time to file its reply to Otter Tail Power Company's (Otter Tail) supplemental opening evidence and a corresponding 14-day extension of time for the parties to file rebuttal evidence, changing the deadline for filing BNSF's reply evidence from February 9, 2004, to February 23, 2004, and the deadline for filing rebuttal evidence from March 11, 2004, to March 25, 2004. BNSF states that the reply extension is needed because it needs the additional time to reply to certain changes in Otter Tail's opening evidence that were conveyed to it during the parties' December 9, 2003 technical conference and that the rebuttal extension is needed to maintain the same interval between the filing of reply and rebuttal evidence set forth in the procedural schedule as last modified in the Board's November 21, 2003 decision. BNSF represents that Otter Tail consents to the requested extensions.

The request is reasonable. Accordingly, the motion to extend the procedural schedule will be granted.

It is ordered:

1. BNSF's motion to modify the procedural schedule, as established in the November 21, 2003 decision, is granted.

2. The procedural schedule in this proceeding is modified as follows:

January 9, 2004	Otter Tail's amended version of its opening evidence is due.
February 23, 2004	BNSF's reply to the amended version of Otter Tail's opening evidence is due.
March 25, 2004	Final rebuttal evidence is due.

3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary